

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIE MAYEROVA and
ARIANA CHRETIEN, individually
and on behalf of all those
similarly situated,

Plaintiffs,

v.

Case No. 18-11909
HON. GEORGE CARAM STEEH

EASTERN MICHIGAN UNIVERSITY,
JAMES SMITH, SCOTT WETHERBEE,
and THE BOARD OF REGENTS,

Defendants.

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ORDER GRANTING INJUNCTIVE RELIEF

On September 27, 2018, the court granted Plaintiffs' motion for a preliminary injunction, finding that Eastern Michigan University ("EMU") violated Title IX by eliminating its women's tennis and softball teams. Recognizing that the parties are often in a better position to craft a resolution, the court provided the parties with multiple opportunities to fashion an agreement implementing the court's order. To that end, the court held status conferences on October 23, 2018, November 27, 2018,

and January 8, 2019. Although the parties have made some progress, they have reached an impasse.

Plaintiffs had requested that tennis be reinstated immediately for the 2018-2019 season and that softball be reinstated for the 2019-2020 season. Defendants have indicated that they will work towards reinstating tennis for the 2019-2020 season, but do not intend to reinstate softball, preferring to add lacrosse or increase participation in existing sports.

Having determined that the elimination of the tennis and softball teams violated Title IX, and that Plaintiffs have demonstrated irreparable harm, the court emphasizes that the appropriate remedy is the reinstatement of those teams. Indeed, given the current disparity between participation opportunities for men and women at EMU, the reinstatement of the tennis and softball teams represents only one step in the direction of the university's compliance with Title IX. See Doc. 45.

At this time, the 2019 tennis season has begun, hampering the full reinstatement of the tennis team for the current competitive season. The court notes that EMU has begun the process of reinstatement by hiring a tennis coach, among other steps. With respect to the reinstatement of the tennis team, the court orders as follows:

1. EMU shall allocate funds equivalent to the amount allocated to the tennis team prior to its elimination for recruitment to permit the tennis coach to recruit players.
2. EMU shall fully reinstate the women's varsity tennis team with competition beginning in Fall 2019, making all necessary arrangements for practice and match space, organizing competitive tournament and conference schedules, equipment and uniform orders, and any other scheduling, hiring, or purchasing to ensure the team has a normal competition season, including fall tournament tennis, for the 2019-2020 season.
3. EMU shall allocate the number of full scholarships for the women's tennis team as it had prior to its elimination, to be allocated at the discretion of the coach.
4. EMU shall allocate the necessary budget to hire the same number of support staff, including assistant coaches and graduate assistants, as the team had prior to elimination.

With respect to the reinstatement of the softball team, the court orders as follows:

1. EMU shall hire a softball coach no later than April 1, 2019, in order to give that person appropriate time to scout and recruit players.
2. EMU shall allocate the necessary budget to hire the same number of support staff, including assistant coaches and graduate assistants, as the team had prior to elimination.
3. EMU shall allocate the number of scholarships for the women's varsity softball team as it had prior to elimination, to be allocated at the discretion of the coach.
4. EMU shall allocate funds equivalent to the amount allocated to the softball team prior to its elimination for recruitment to permit the softball coach to recruit players.
5. EMU shall fully reinstate the women's varsity softball team with competition beginning in Fall 2019, making any necessary repairs to the softball field, organizing competitive tournament and conference schedules, equipment and uniform orders, and any other scheduling, hiring, or purchasing, to ensure the team has a normal competition season, including a fall game schedule, for the 2019-2020 season.

EMU shall carry out the court's order with diligence to ensure there are no further delays in reinstating the women's varsity tennis and varsity softball teams.

IT IS SO ORDERED.

Dated: February 12, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE